

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA

v.

CURTIS JAMES McGARVEY

**INDICTMENT**

Case No. \_\_\_\_\_

Violation: 18 USC §§ 1470, 2251(a),  
2251(e), 2252(a)(4)(B), 2252(b)(2),  
2253(a), 2261A(2)(B), and 2261(b).

**COUNT ONE**

**Attempted Sexual Exploitation of a Minor**

The Grand Jury Charges:

From in or about September 2016 to in or about January 2017, in the District of  
North Dakota,

CURTIS JAMES McGARVEY

did knowingly, and attempt to, employ, use, persuade, induce, entice, and coerce E.L., a  
person whom he believed to be a 16-year-old minor, to engage in sexually explicit  
conduct for the purpose of producing visual depictions of such conduct, knowing, and  
having reason to believe, that such visual depictions were produced using materials that  
have been mailed, shipped, and transported in or affecting interstate and foreign  
commerce, including by computer;

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT TWO

**Attempted Sexual Exploitation of a Minor**

The Grand Jury Further Charges:

From in or about January 2018 to in or about April 2018, in the District of North Dakota,

CURTIS JAMES McGARVEY

did knowingly, and attempt to, employ, use, persuade, induce, entice, and coerce E.L., a person whom he believed to be a 16-year-old minor, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, knowing, and having reason to believe, that such visual depictions were produced using materials that have been mailed, shipped, and transported in or affecting interstate and foreign commerce, including by computer;

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT THREE

**Possession of Materials Involving the Sexual Exploitation of Minors**

The Grand Jury Further Charges:

From in or about September 2016 to in or about April 2018, in the District of North Dakota,

CURTIS JAMES McGARVEY

knowingly possessed, and accessed with intent to view, numerous computer files containing visual depictions that had been produced using materials and means that had been mailed, shipped, and transported in interstate and foreign commerce, the production of which visual depictions involved the use of minors engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and which visual depictions were of such conduct;

In violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2).

COUNT FOUR

**Cyberstalking**

The Grand Jury Further Charges:

From in or about September 2016 to in or about April 2018, in the District of North Dakota,

CURTIS JAMES McGARVEY

with the intent to harass and intimidate, used an interactive computer service, and an electronic communications service and electronic communication system of interstate commerce, and any other facility of interstate and foreign commerce, specifically, the internet, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to E.L.;

In violation of Title 18, United States Code, Section 2261A(2)(B) and 2261(b).

COUNT FIVE

**Transfer of Obscene Materials to Minors**

The Grand Jury Further Charges:

From in or about September 2016, to in or about April 2018, in the District of North Dakota,

CURTIS JAMES McGARVEY

did knowingly transfer obscene material to individuals who had not attained the age of 16 years, knowing that such other individuals had not attained the age of 16 years, using any facility and means of interstate and foreign commerce;

In violation of Title 18, United States Code, Section 1470.

FORFEITURE ALLEGATION

The Grand Jury Further Finds Probable Cause That:

Upon conviction of violating Title 18, United States Code, Section 2252, as charged in this Indictment,

CURTIS JAMES McGARVEY

shall forfeit to the United States any and all matter which contains visual depictions produced, transported, shipped, and received in violation thereof and any and all property used and intended to be used in any manner and part to commit and to promote the commission of such violations, including, but not limited to, the following:

1. Black iPhone, Model A1660, in Brown Leather ZVE Case;
2. HP Laptop Computer, serial number SCB224254Y;
3. Dell Computer, serial number Y566KA01;
4. Dell Computer, serial number CNV640DD7;
5. Western Digital Hard Drive, serial number WCAZAJ051228;
6. NexStar Case w/HGST Hard Drive, serial number WJ3H3MRV;
7. Mega-Mini Spy Camera;
8. DB Power EX 5000 Camera;
9. Camscura Smoke Detector Camera Kit;
10. Camscura WiFi Hidden Camera;
11. WiFi AC Adaptor Hidden Camera;
12. DIY Hidden Camera w/Power Supply;
13. Transcend 4GB Micro SD Card;
14. SanDisk 32GB Micro SD Card; and
15. SanDisk Ultra 32GB Micro SD Card.

By virtue of commission of one or more of the felony offenses as charged in this Indictment, all right, title, and interest in the above-described property is vested in the United States and is hereby forfeited to the United States, pursuant to Title 18, United States Code, Section 2253(a).

A TRUE BILL:

/s/ Grand Jury Foreperson  
Foreperson

/s/ Christopher C. Myers  
CHRISTOPHER C. MYERS  
United States Attorney

GLD/jt